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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,029	02/25/2004	Daniel Boyko	A0312.70513US00	3915

7590 09/07/2006

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EXAMINER

COX, CASSANDRA F

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/787,029	<b>Applicant(s)</b> BOYKO ET AL.	
	<b>Examiner</b> Cassandra Cox	<b>Art Unit</b> 2816	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-9 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) 28 and 29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-27 and 30 is/are allowed.
- 6) ☒ Claim(s) 3,4,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's arguments with respect to claims 3-9, 11-27, and 30 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boerstler (U.S. Patent No. 5,774,511).

In reference to claim 9, Boerstler discloses in Figure 1 a device having a clock generation circuit comprising: a) a phase locked loop (101-108) having an output; b) a first programmable frequency scaling circuit (109) having an input and an output, the input being coupled to the output (output of 105) of the phase locked loop, and the output of the first programmable frequency scaling circuit (109) providing a first clock signal (f1); c) a second programmable frequency scaling circuit (111) having an input and an output, the input being coupled to the output (output of 105) of the phase locked loop, and the output of the second programmable frequency scaling circuit (111) supplying a second clock signal (f2); e) internal circuitry (310; Figure 3) clocked by the first clock signal (f1), see column 3, line 67 through column 4, line 2; and f) at least one interface circuit (112) clocked by the second clock signal (f2), the interface circuit adapted to interface to external circuitry (301; Figure 3), see column 4, line 2. Boerstler

does not disclose the at least one control register. It would have been obvious to one skilled in the art that the CPU (310) of which the phase locked loop is a part of could have included at least one control register, having a field specifying a scale factor of the first frequency scaling circuit and a field specifying a scale factor of the second frequency scaling circuit for the advantage of providing a first and second clock signal ( $f_1$ ,  $f_2$ ) with greater programmability thereby increasing the operating range of the CPU (310) and the external circuitry (301).

In reference to claim 3, Boerstler discloses in Figure 1 that the first and second programmable frequency scaling circuits are programmable dividers. The same applies to claim 4, wherein it is considered well known to one skilled in the art that dividers may be implemented using counters for the advantage of generating a stable-frequency and easily adjustable clock.

In reference to claim 8, Boerstler discloses in Figure 1 that the phase locked loop (101-108) additionally comprises a third programmable divider (106).

***Allowable Subject Matter***

4. Claims 11-27, and 30 are allowed.
5. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: Claims 5-7 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the device additionally comprises control

logic (350) in combination with the rest of the limitations of the base claims and any intervening claims. Claim 16 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the method includes placing the chip in a first power saving mode by changing the first frequency ratio such that the first circuitry is clocked at a lower rate without changing the frequency of the reference clock or the second clock in combination with the rest of the limitations of the base claims and any intervening claims.

7. The following is an examiner's statement of reasons for allowance: Claims 11 and 16-18 are allowed because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the method of operating includes the ability to change the frequency of the first clock on the fly *in combination with the rest of the limitations of the base claims and any intervening claims*. Claims 12-15, 26-27, and 30 are allowed because the closest prior art of record fails to disclose a circuit as shown in Figure 3 wherein the method includes placing the chip in a first power saving mode by changing the first frequency ratio such that the first circuitry is clocked at a lower rate in combination with the rest of the limitations of the base claims and any intervening claims. Claims 19-25 are allowed because the closest prior art of record fails to disclose a circuit wherein the method includes waiting until a defined time relative to the period of the second clock (SCLK) while holding the state of the first clock; and loading the new value in a control location at the defined time in combination with the rest of the limitations of the base claims and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 571-272-1741. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and on alternate Fridays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CC  


September 3, 2006